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SALT LAKE CITY, UTAH.

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THE CODE OF HONOR.

Such a great event, consummated with so little preparation, in so short a space of time and with no announcement beforehand, as the killing of David S. Terry, cannot all at once be comprehended, nor can all its importance be measured. The victim of the deputy marshal's bullet has been one of the conspicuous figures of the nation ever since he met and destroyed Broderick on the "field of honor," grossly so misnamed; and either before or after, he has all along been recognized as the stormy petrel of any society in which his lot might be cast. He was the last of the partisans to what was known in California forty years ago as the "scarlet letter feud," himself being supposedly the author of that once famous letter, it being simply a notice after the fashion of vigilance committees, which was served upon certain objectionable politicians in those days, requiring them to leave. All understood that the contest was upon the question of slavery or no slavery for California, Terry representing the former and Broderick the latter sentiment; in other words, one was a southern, the other a northern Democrat, since the Republican sentiment had not then acquired definite shape. The one who planned the meeting was a lawyer who has been in Salt Lake many times, and the immediate cause for it all was a statement by Terry that Broderick was more a follower of Frederick Douglass than of Stephen A. Douglas; this being repeated to Broderick, he replied, "I have said that Terry was the only honest man on the bench, but I take it back." These words were communicated to Terry and a challenge from the intervenor followed, which being declined Terry withdrew from the bench in order that a challenge that would be accepted might be given. The sequel is well known.

We mention this more for the purpose of showing what a blood-stained ground the alleged honor is than for anything else. Here were two rivals in politics, friendly enough apart from that, who were willing to slay each other in order that a mere sentiment might be gratified. Of course there was something above and beyond the immediate question of honor, but that was the foundation and excuse for it all. In the name of honor, Broderick became the victim of a conspiracy and Terry made himself an assassin. That is the only word that describes the victim in an engagement between two men when the one who is slain is not the equal of the other with the weapons chosen and this fact is known beforehand.

The man who issues a challenge to fight, whether purely of emotion or in accordance with the code, may and doubtless does possess a certain quantity of physical courage, but he invariably lacks moral courage and that rectitude in man which makes him a superior creature. The one who accepts such an invitation, however much he may previously have been above and beyond the two who issues it, at once descends to the latter's level, and so far from becoming exempt from the charge of cowardice, subjects himself to it, for the reason that he fears being called a coward and will commit a great and irreparable crime to escape it. This was well enough illustrated in the celebrated duel which cost the life of Alexander Hamilton; he was afraid of the social consequences that might result from a refusal to meet Aaron Burr, and would rather be murdered than exercise the manhood necessary to decline a contest with a wild beast in human form. He was murdered, so was Broderick, and so is every man that falls at the hand of another when there is no greater incentive than a sentimental attack upon the moloch "honor." And is it not a little singular that those two murderers died while constructively, if not actually, engaged in a conspiracy against the United States or some portion of its authority?

The field of honor is now well-nigh stripped of all the glamour and fantasies with which a less perfect civilization than that of to-day invested it. The duelist and the murderer occupy nearly equal ground in the estimation of the better classes everywhere, and in Utah territory there is merely the distinction of name made. "The code of honor," said the eloquent Senator Baker at Broderick's funeral, "is a delusion and a snare; it palpitates with the hope of a true courage and binds it at the feet of craft and cruel skill. It surrounds its victim with the pomp and grace of the procession, but leaves him bleeding in the altar. It substitutes cold and deliberate preparation for courageous and manly impulse, and arms the one to disarm the other; it may prevent a better man from practicing duels who should be forever without its pale, but it makes the mere trick of the weapon superior to the noblest cause and the truest courage. Its pretense of equality is a lie; it is equal in all the form, it is unjust in all the substance—the habit of arms, the early training, the frontier life, the border war, the sectional custom, the life of leisure—all these are advantages which no negotiation can neutralize and which no courage can overcome."

There was sorrow and mourning at the death of Broderick, notwithstanding his weakness of temperament in meeting his adversary as he did. The excuse was made for him by those who had loved him in life that a wild, wild frenzy was settling down upon the people—a condition which almost set aside the civil law and established in its stead a reign of confusion and contention—a condition of semi-madness brought on by the dark shadow of the war-cloud in the east; but there were none so poor as to do Terry's mortal remains reverence. He thrived by the bullet and he died by it.

THE HERALD devoutly trusts that all those who subscribed to the "presentia fund" in aid of the Liberal drum corps, understood and understand fully what their action implied—that it was so much toward upholding popular and equitable government in this city and establishing in its place an allarchy, a carpet-bag rule whose

policy will be higher taxes and a lower standard of morality.

JOHN L. SULLIVAN is a Democrat. It seems no matter how bad and lawless a man may become, he still has a redeeming trait in his character.

It is a fine conceit which causes the compilers of election returns to occasionally report "scattering, 1."

THE RUSH FOR STATEHOOD.

We do things by large quantities or not at all in this country. After keeping several territories out of the Union for years after they were qualified in every way for admission, and were knocking at the doors with persistence and continuity from determination, a law is all at once passed providing for the immediate admission of four of them with the understanding that three others can join the procession if they present acceptable constitutions. Of these three but one—New Mexico—has sufficient population, but it is not equal to the others in intelligence, a vital requisite; so that the trio would stand upon a very nearly equal footing. Idaho has taken practical steps in the direction indicated, but THE HERALD predicts and has all along predicted that the work will come to naught because the constitution submitted does not guarantee to the proposed state a republican form of government as the great charter of the land requires. The indiscriminate disfranchisement of a whole people for no other earthly reason than that they are opposed to a majority of the faked-up convention in religion and politics will not answer the requirements of the case. As to New Mexico, it is not yet certain whether the majority of her people want statehood just now, but there is no question as to Arizona's wanting it; not only that but she is eager for it, and we believe it better qualified for the boon, all things considered, than either of the other two. In support of this conclusion we append the following extract from a recent number of the Phoenix Gazette, which seems to speak by the card:

The proposition to admit Arizona as a state is moving with great favor from the people of Arizona, and it cannot be denied that it will be of great and lasting benefit to the territory. The very word "territory" carries with it an idea of crudeness, an undeveloped condition of affairs where the system of government is not in accordance with the American principle, in fact, the very opposite of all that is just and equitable. Hence our admission into the family of states is one of the most forward movements that could possibly be inaugurated in her behalf. Let the world know that Arizona has all the necessary qualifications for statehood, and the people will see at a glance that she has made rapid steps in advancement the past four years, and most necessarily possesses very superior advantages, and the result will be wonderfully beneficial to every part of Arizona, and on the grounds, if no other, could be devoted. We are in favor of the admission of this territory. Arizona and what has been a dumping ground for eastern partisans and their stripes, and now when an opportunity is presented whereby our citizens can free themselves from this tyrannical system of government, do not permit the opportunity to pass by unheeded.

GOVERNOR HARTSHORN, of Pennsylvania, as chairman of the Johnson relief committee, has on hand \$1,300,000 which belongs to the sufferers. This was excusable for a time, but became gradually outrageous and has at last entered the domain of infamy. Somebody ought to take the money by violence and distribute it. Red tape is poor satisfaction to starving people.

THE PROSECUTION OF THE PUGILISTS.

There are two poor ways of doing a thing—overdoing and underdoing it. In either instance the object aimed at is missed and whatever good results were intended are not achieved. It would seem to be scarcely necessary in a day and a time like this to remind officers of the law that their mission is not, or at least was not intended to be, the avenging of existing regulations to undue proportions in order that they themselves might be swollen; but it seems to be called for as much as it ever was. Those who are charged with the protection of the populace through the upholding of the law are always subject to criticism, and sometimes, quite often we might say, this is visited upon them when they are doing or after they have done what they conceived to be their plain and bounden duty. This is as bad as the other, and it would be a good thing for everybody if both could be stopped.

Regarding the proceedings against the Lake Park pugilists and their advisers and abettors, THE HERALD could not and would not have any other opinion than that the law must be upheld and that the officers who seek to uphold it are doing their duty. Every law should be enforced or expunged from the statute book. In this respect, the officers are left with no discretion but to do what they are employed to do. There is but one injunction we would place upon them—do not stop over, do not make of justice a mockery, and do not let your virtue assume a spasmodic form, because thereby you may injure the good cause which we doubt not you are trying to subvert.

The person who says boxing is a bad thing is either ignorant or foolish. Properly controlled and under proper circumstances, there is no more harmful or physically beneficial exercise than sparring with gloves of sufficient softness to render it unlikely that they inflict any great injury. And there are other advantages connected with it, too; it inculcates stamina, self-reliance, gracefulness of movement, precision of the eye, and so on. But as between this and prize fighting there is a wide and deep line of separation. They are not related in any degree. The former may be as it frequently is, practiced by gentlemen, scholars and even statesmen; the latter only by a class who resort to it for the money there is in it or to gratify a brutal instinct.

In the pursuit of the class last referred to, all good people and certainly this paper will join. They do not benefit society, and should have no resting place anywhere. The question now is, was the affair at Lake Park a prize fight as that term is usually and technically understood? With all the light before us, we think not. Prize fights, according to the code, are fought with the bare fists, under rules conducive of brutality, and generally for a fixed stake. If it was such a fight, then every soul who was there, whether by chance or design, whether as principal, accessory or witness, is subject to indictment and should be indicted; but if, as the evidence seems to show, it was a fight with gloves weighing at least four ounces each, and had all the elements of a prize fight in it but that, then it was plainly a mixed case of skill and brutality with much of the latter feature eliminated by reason of the gloves. To talk of punishing everybody under such circumstances would be folly in the extreme.

The dramatic manner in which part of the proceedings have been conducted will, we hope, for the sake of the territory itself and the dignity which should surround all such proceedings, be henceforth summarily dropped.

MRS. MAYBRICK'S SENTENCE COMMENTED.

It is some relief to the situation for Mrs. Maybrick's sentence to be committed, even though the penalty she is required to undergo is in one sense worse than that from which she has just escaped. To have hanged her would have called forth such a

spontaneous outburst of wrath among the people who are mostly concerned in the upholding of English laws as would well have shaken the foundations of the throne itself, and as it is regarded on this side of the Atlantic, would have been little short of an outrage upon civilization everywhere. The woman is impure and will always bear the weight of a dark suspicion that after all she may be guilty; but there is a doubt of it so substantial and pronounced that to sweep it aside and hang her "whether or no" would have met with all the resentment of which the people generally are capable.

Now that she is to be spared, so far as her life is concerned, it is as well to consider some points in connection with this most extraordinary case. Her husband was a confirmed arsenic eater, and when she gave him the poison she did so undoubtedly at his own request. The point upon which the whole case hung would then seem to be—Did she give him more than he called for or his system endure and do it purposely? If she did, she committed murder; if not, she was innocent of it. But she received no benefit from the state of uncertainty which such a proposition naturally creates; on the other hand, it was construed against her by Judge STEPHEN, who, under the guise of a charge to the jury, made a two-days' speech in support of the theory of the prosecution. No such proceeding ever took place in the United States, nor would any such be tolerated here, where the judge in every instance, whether the case be great or small, instructs the jury to give the defendant the benefit of every reasonable doubt; this charge to the Maybrick jury would have resulted in her acquittal, for the reason that if the jury had ignored the court who gave it would have been bound to set their verdict aside.

Another thing: We do not have to go so far as England to hear the statements that it was a case of "getting even" freely bandied. This refers, of course, to the execution of Maxwell at St. Louis a year ago, and is only spoken of by a certain class—a class to which Judge STEPHEN belongs beyond all question. The more the Englishman pronounced the crime which the wish that some American might be placed in the same position in England that he occupied here, and then added to this was the fact that the woman was convicted on the very day and time of day that the execution in St. Louis occurred. For their sakes, if for nothing more, it is as well that Mrs. MAYBRICK's sentence was commuted.

It is hardly likely that she will end her days in penal servitude, unless she dies within a year or two. After a while, when all passions have subsided and the mist has been entirely cleared from the case, it will receive more careful and less prejudicial consideration. The home secretary for Great Britain, who is really the ruler of the nation (the Queen being only an expensive figurehead), will look upon the case as it herein set forth and conclude that if the wrong woman is entitled to any immunity whatever, she is entitled to absolute freedom. If not that, a change in the government may take place and there is much to hope for from it, not only for the woman herself but for the people at large.

"The secretary of the chamber of commerce is getting the names of those who can furnish beds to visitors." Hey! What's that? What vision of copious comfort comes a short time ago involving the city against accommodations being furnished visitors for fear that under such a guise they were really intending to vote next February. No doubt the above announcement coming from that source has a different meaning from the other, but it sounds funny.

THE EXCURSIONISTS.

THE HERALD extends a cordial greeting to the excursion from the east, the advance guard of which is to be with us to-day. They come at a fortunate time for themselves and for us, because they will see our city at its best, and this, as they will undoubtedly admit, is saying a great deal. Without being disposed to resort to the poetic phrase of the case, we ask them to contemplate the grand bulwarks with which nature has surrounded us on every hand, and thus made the cyclone and whirlwind impossible; the beautiful inland sea, of which so much has been said and so little is known; the delightful climate, which presents all the phases of the temperate zone; the gorgeous sunrise which so few of us who live here ever see, and the magnificent sunsets, whose glories no painter has ever had the tendency to tackle; and, above and beyond all, the people they meet. Here language becomes vain and so we leave it to those who visit us. We are, in the language of the late lamented NASBY, Democratic and Republican, certain, and uncertain and mixed, but we all extend a welcome and figuratively shake you by the hand. Walk right in, hang up your hats and make yourselves at home.

ON TUESDAY LAST THE HERALD requested the British home secretary to not defer action in the case of Mrs. MAYBRICK till after the 20th, for obvious reasons. He did not do so, having yesterday committed her sentence to imprisonment for life. Thanks for your promptness, old man!

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